

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)	PDC CASE NO: #00-866
WITH RCW 42.17)	
)	
Christine Ohlsen)	REPORT OF INVESTIGATION
Greg Lineberry)	
Richard Ridgeway)	
)	
)	

I
BACKGROUND

- 1.1 On October 29, 1999, staff members of the Public Disclosure Commission (PDC) received a formal complaint from Ivy Nunez-Sigmon, alleging violations of 42.17.130 on the part of Firefighter Christine Ohlsen and Sergeant Greg Lineberry.
- 1.2 Complainant alleges the following:
- a. That public resources were used in the filming of a campaign ad opposing I-695 on October 14, 1999.
 - b. That Firefighter Ohlsen was observed in a television ad, opposing I-695, wearing a standard firefighter coat with helmet, displaying a fire truck in the background.
 - c. That Sergeant Lineberry was observed in a television ad, opposing I-695, wearing a blue police officer uniform with a police patrol vehicle in the background.

II
SCOPE

- 2.0 The following documents and evidence were reviewed:

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- a. Complaint e-mail from Ivy Nunez-Sigmon, dated October 29, 1999.
 - b. Video of the television ad opposing I-695.
 - c. Letter of response from Sergeant Lineberry, endorsed by Chief James I. Scharf, Everett Police Department, dated February 16, 2000.
 - d. Letter of response from Tumwater Firefighter Christine Ohlsen, dated February 18, 2000.
 - e. Letter of response from Tumwater Fire Chief Richard Ridgeway, dated February 8, 2000.
 - f. Vehicle rental invoice from Thompson Auto Sales, undated.
 - g. Invoice from McPherson Emergency Vehicle Service Center, dated October 13, 1999.
 - h. Transcript of interview with Firefighter Ohlsen.
 - i. Transcript of interview with Chief Ridgeway.
- 2.1 The following persons were interviewed by phone:
- a. Kirsten Olson, Pacific Public Affairs
 - b. Lorilee McDonald, MacPherson Supply
 - c. John Thompson, Thompson Auto Sales
- 2.2 The following persons were interviewed in person, under oath:
- a. Firefighter Christine Ohlsen, Tumwater Fire Department
 - b. Chief Richard Ridgeway, Tumwater Fire Department

III
APPLICABLE LAW AND
ADMINISTRATIVE RULES

- 3.1 **RCW 42.17.130**
Forbids use of public office or agency facilities in campaigns.
No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours,

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vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

[1979 ex.s. c 265 § 2; 1975-'76 2nd ex.s. c 112 § 6; 1973 c 1 § 13 (Initiative Measure No. 276, approved November 7, 1972).]

IV FINDINGS

- 4.1 On October 29, 1999, staff members of the Public Disclosure Commission (PDC) received a formal complaint from Ivy Nunez-Sigmon, alleging violations of 42.17.130 on the part of Tumwater Firefighter Christine Ohlsen and Sergeant Greg Lineberry, Everett Police Department. (**Exhibit 1**)

Complainant alleges the following:

- a. That public resources were used in the filming of a campaign ad opposing I-695 on October 14, 1999.
 - b. That Firefighter Ohlsen was observed in a television ad, opposing I-695, wearing a standard firefighter coat with helmet, displaying a fire truck in the background.
 - c. That Sergeant Lineberry was observed in a television ad, opposing I-695, wearing a blue police officer uniform with a police patrol vehicle in the background.
- 4.2 The campaign ad opposing I-695 was filmed on October 14, 1999, at Providence Hospital in Seattle, Renton municipal airport, and a private residence located at 2227 NE 82nd, Seattle.

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- 4.3 Kirsten Olson, Pacific Public Affairs, coordinated the filming of the ad opposing I-695. Kirsten Olson confirmed, to the best of her knowledge, the fire truck, police vehicle, and uniforms were not official equipment belonging to Tumwater Fire Department or Everett Police Department. Kirsten Olson provided the phone numbers for McPherson's Supply and Thompson's Auto Sales, the two businesses who leased the fire truck and police vehicle.
- 4.4 **Exhibit 2**, the videotape, affirms statements by Ohlsen and Lineberry as to the uniforms, accessories and markings of the fire truck and police vehicle. Sergeant Lineberry's uniform shirt bears no markings other than a badge and sergeant chevrons on the shirt lapels. The badge is unreadable, however, it does not appear to be a standard issued police badge. Firefighter Ohlsen's coat and helmet bear no markings, which would identify ownership.
- 4.5 **Exhibit 3**, Sergeant Lineberry states in his response letter, he was off duty and was not using public facilities in the filming of the campaign ad. Everett Police Chief James I. Scharf affirms Lineberry's response letter.
- 4.6 **Exhibits 4 and 5**, response letter from Firefighter Ohlsen and Chief Ridgeway deny the fire truck belongs to the City of Tumwater and says that Ohlsen was off duty. Both Ohlsen and Chief Ridgeway confirm the coat and helmet do belong to the Tumwater Fire Department.
- 4.7 **Exhibits 6 and 7** document Greer, Maragolis, Mitchell and Burns, Washington DC advertising agency, leased the police vehicle and fire truck. The fire truck was leased on October 13, 1999; the invoice for the police vehicle is undated.
- 4.8 Firefighter Ohlsen was interviewed on March 3, 2000, at 1:05 PM. Ohlsen volunteered for the filming of the campaign ad. Prior to the filming Ohlsen said Chief Ridgeway approved the use of her coat and helmet. She said the Chief got approval from City Hall, she thought the city attorney, Patrick Brock. Ohlsen understood it was permissible to use coat and helmet as long as there were no identifiable markings. During the filming Ohlsen turned the helmet so the identifiable shield was not visible. (**Exhibit 8**)
- 4.9 Chief Richard Ridgeway was interviewed on March 6, 2000, at 3:00 PM. Chief

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Ridgeway confirmed the fire coat and helmet, used in the television ad opposing I-695, are the property of the Tumwater Fire Department. **(Exhibit 9)**

- 4.10 Ridgeway said Brian Hurley, Union Representative, approached him requesting permission to use the coat and helmet as props for the television ad. Ridgeway said he was not sure so he called the Human Resource Manager and the City Administrator. From these conversations, Ridgeway said he believed it was permissible to use the items as long as the City of Tumwater was not represented.
- 4.11 Ridgeway said he felt the shield on the helmet should not be displayed prior to calling the Human Resource Manager and City Administrator. Ridgeway said he discussed the use of the helmet and coat with Brian Hurley only and never with Firefighter Ohlsen.
- 4.12 Ridgeway said firefighters use their equipment off duty for special events i.e., school events and fire fighter challenges. When asked if a citizen approached him asking to use a fire coat and helmet to film a campaign ad supporting I-695, Ridgeway said he would handle the request the same way.

EXHIBITS LIST

- Exhibit 1** Complaint e-mail from Ivy Nunez-Sigmon, dated October 29, 1999.
- Exhibit 2** Video tape of television ad opposing I-695.
- Exhibit 3** Response letter from Sergeant Lineberry, endorsed by Chief James Scharf, dated February 16, 2000
- Exhibit 4** Response letter from Firefighter Christine Ohlsen, dated February 18, 2000.
- Exhibit 5** Response letter from Chief Ridgeway, dated February 8, 2000.
- Exhibit 6** Invoice from Thomson's Auto Sales, undated.
- Exhibit 7** Invoice from McPherson Emergency Vehicle, dated October 13, 1999.
- Exhibit 8** Transcript of interview with Firefighter Ohlsen, March 3, 2000.

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Exhibit 9 Transcript of interview with Chief Ridgeway, March 6, 2000.

RESPECTFULLY SUBMITTED this 10th day of March, 2000.

Charlie Schreck
Investigator